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OLC 68-0010

15 January 1968

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Report on CIA Relations with the Congress - 1967

1. This memorandum is for information only.

2. Its purpose is to record the highlights of the Agency's relationship with Congress during the past session and to note potential trouble areas during the upcoming session. It is not intended to be all inclusive, but rather to set forth key facts and to give a general picture of our relationship with Congress.

3. CIA Subcommittees

a. House Armed Services

There were eight formal briefings of this Subcommittee. In keeping with the expressed desire of some of the members, more time was given to Agency organization, activities and programs. Four of the briefings dealt with Agency activities, and the remainder were devoted to substantive intelligence. Following the RAMPARTS expose of the Agency-National Student Association relationship, the Subcommittee issued a press release defending the Agency and pointing out that the program of financial assistance has been known to every Administration since 1952.

b. House Appropriations

The Agency had eight meetings with this Subcommittee. Mr. Lipscomb, accompanied by Mr. Michaels, of the staff, visited the Agency to go over the Agency budget.

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c. Senate Armed Services and Appropriations

(1) Four new members were added to these Subcommittees; Senators Henry Jackson and Strom Thurmond to the CIA Subcommittee of Armed Services and Senators Lister Hill and Karl Mundt to the CIA Subcommittee of Appropriations. In addition, non-Subcommittee members Mansfield, Fulbright, and Hickenlooper were invited to attend Subcommittee meetings. As in the past, these Subcommittees met together as a matter of convenience. There were only three meetings during the year. No hearings on the Agency budget were held. Briefings of the Subcommittee were devoted principally to substantive intelligence, with minor emphasis on Agency activities.

(2) Mr. Woodruff, of the Appropriations Subcommittee staff, accompanied by Mr. Michaels, of the House Subcommittee staff, came to the Agency for briefings on the Agency budget.

(3) Senator Milton Young, of the Subcommittee on Appropriations, visited Agency installations at JMWAVE. This was the first time a member of an Agency Subcommittee has visited these Agency installations.

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(4) Senator Mundt, accompanied by Mr. Woodruff, visited NPIC for a full morning.

4. Other Committees

Thirteen briefings were provided to other committees of the Senate and House, an increase of two over the previous year. Representative of the committees briefed were the full Armed Services Committees of both Houses, the Joint Committee on Atomic Energy, the Special Subcommittee on National Defense Posture of House Armed Services, the House Committee on Banking and Currency, the Senate Subcommittee on Internal Security, the House Committee on Science and Astronautics, the House Committee on Foreign Affairs, and the Disarmament Subcommittee of Senate Foreign Relations. In addition, there were numerous briefings of individual committee members as well as other members of Congress. Three Cuban defectors were provided for hearings before the Senate Subcommittee on Internal Security.

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5. Legislation

a. The Agency sponsored two legislative items and informal action in connection with several others. In addition, some 13,000 legislative proposals were reviewed to determine their effect, if any, on Agency programs and authorities.

b. At the start of the 90th Congress, the Agency transmitted an omnibus legislative proposal essentially identical to the proposal which had been approved by the House in 1966, but had not been acted upon by the Senate Armed Services Committee prior to the adjournment of the 89th Congress.

(1) Early in the first session of the 90th Congress the proposed legislation was reviewed with the appropriate staff members of the Senate Armed Services Committee in the hope of getting early Senate Committee action. Further, the Director wrote Chairman Russell a letter urging consideration of at least the retirement title of the proposal particularly the cost-of-living provisions.

(2) When Committee action was not forthcoming prior to the first cost-of-living increase under the CIA Retirement Act on 1 April 1967, the language was redrafted to accord with the new situation and coordinated with the Civil Service Commission. Later efforts to have the Senate Committee move on the matter were unsuccessful.

(3) On the House side the omnibus bill was introduced by Representative L. Mendel Rivers as H.R. 7315. Later a bill treating solely with retirement and one other amendment was introduced by Representative Philip Philbin as H.R. 13705. No action was taken by the House Committee which was deferring to prior action of the Senate Committee. This new version has been coordinated with the Civil Service Commission and the subject of a favorable report.

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d. Other Legislation

(1) Rodino Bill. The Agency worked closely with Mr. Rodino and the staff of the House Subcommittee on Immigration and Naturalization in support of Rodino's bill which provides naturalization privileges under special circumstances to employees of Radio Free Europe and Radio Liberty. After the bill passed the House, the Agency succeeded in enlisting the support of Senator Eastland, and the bill passed quickly in the Senate without controversy.

(2) Vietnam Amendments. The 90th Congress passed a bill to provide benefits for employees serving in high risk situations abroad. An employee injured due to hostile action may now be continued in a pay status for up to one year without charge to leave. In the 89th Congress a similar proposal was introduced to provide only six months of such "leave." Agency representatives discussed this with members of the House Foreign Affairs Committee who were sponsoring the legislation. The Agency views on this were so persuasive that they reintroduced the measure increasing the "leave" to one year and also making it retroactive to 1 January 1965 to provide coverage to the many Agency and embassy personnel injured in the Saigon chancery bombing of January 1965. During the 90th Congress, the Agency provided continuing assistance to the Committee staffs concerned.

(3) S. 1035 - Constitutional Rights of Government Employees. A predecessor bill to S. 1035 was introduced in the 89th Congress. The Agency immediately made known its objections to Senator Ervin, the sponsor. When S. 1035 was introduced in the 90th Congress, there was carried a provision

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exempting the FBI but not the Agency which we had requested. The situation was again reviewed thoroughly with Senator Ervin and his staff.

(a) Senator Bayh, a member of the Judiciary Subcommittee on Constitutional Rights considering the bill, actively supported the Agency's position in Committee. Senator Milton Young also urged an Agency exemption in a letter to Senator Ervin. Shortly before final full Committee action and despite assurances from the Chairman and Ranking Minority Member, Senators Eastland and Dirksen, that there were sufficient number of votes to carry an exemption for the Agency, the full Committee reported the bill with only a partial exemption. In Senator Russell's absence, Senator Stennis felt he should do no more than he did which was to discuss it with Senator Eastland.

(b) The Agency was able to alert senior Agency Subcommittee members that an unscheduled floor consideration was to take place. On the floor a record was made that the Agency should be exempt but not being sure of the votes no formal amendment was offered. Senator Milton Young sponsored an amendment to remove the complete FBI exemption and put it in a similar category with CIA and NSA and this effort succeeded. The purpose of the floor discussion was to lay a foundation for a House-Senate conference on the assumption that the Agency would be granted a complete exemption in the House.

(c) On the House side, this and similar bills have been referred to the House Post Office and Civil Service Committee. The climate in that Committee is favorable to the security agencies of Government and they would be more likely to understand the management and administrative problems which would be created by this bill in Government generally. Congressmen Henderson and Gross, the Chairman and Ranking Minority Member respectively, of the

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Manpower Subcommittee which will hold hearings, have indicated a desire to meet with Agency officials to discuss the problems involved. We were unable to schedule such a meeting last year but plan to do this as the first order of business this year.

(4) Wiretap Legislation. The Administration has sponsored a very limited wiretap bill. The Judiciary Committee indicated to Justice the desirability of some changes in the national security exemption and Justice in effect authorized CIA and NSA to work out appropriate language which has been done with the Committee. In the meantime, the Administration-sponsored "Crime in the Streets" bill has added to it a wiretap rider by Senator McClellan which is somewhat broader than the Administration proposal. Here too, language was included in the rider to meet CIA and NSA needs, and to bring the national security exemption into agreement with the original Administration-supported bill. This "Crime in the Streets" bill (with the wiretap rider), S. 917, has been favorably reported by the Subcommittee on Criminal Laws and Procedures to the full Judiciary Committee which has not yet acted. The "Crime in the Streets" bill is a high priority Administration item and, consequently, S. 917 and the other wiretap bills should be watched most carefully.

(5) Congressional Oversight. Sixteen resolutions were introduced during this session calling for a joint committee for intelligence matters. There was no floor debate on this subject, and as expected no action was taken on any of the resolutions.

6. General

- a. Relations with Members. For the first time the Agency undertook a programmed effort to contact and brief all new members of Congress on the Agency. Personal calls were made on six of seven new Senators and all of the 63 new Representatives. Invitations were extended to all freshmen to come to the Agency

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for breakfast meetings and briefings. Six Senators and 40 Representatives responded to the invitations. Comment from freshman members, as well as older members who have become aware of the program, has been most favorable. A number of other members also visited the Agency for briefings. In all, 78 members visited the Agency headquarters.

b. RAMPARTS-National Student Association. Forewarned of the impending exposure by RAMPARTS of the National Student Association-CIA relationship, the Agency was able to brief key members of Congress well in advance of the expose and mitigate much of the sting which would have resulted from initial press disclosure. By far the greatest proportion of member comment was to the effect that the U. S. Government should have been engaged in this type of activity, and they were happy to know the Agency had been doing it. A number of members with whom we had no previous dealings made floor statements in support of the Agency. A number of members also expressed the view that this incident strengthened us in the Congress and gained us more supporters than ever before.

To date, the Rusk Committee, established to find an alternative to Agency funding of private groups, has not filed a final report. The composition of the Rusk Committee is of interest to the Agency in view of the fact that Senators Russell, Hayden, and Milton Young and Representatives Rivers, Mahon, and Bow, all members of Agency Subcommittees in Congress, are included.

c. Disposal of Records. Several years ago, the Comptroller General of the United States refused to approve an Agency proposal for disposition of financial records on the grounds that GAO was not auditing those records. The law required that we have Comptroller General sanction before any destruction. After informal discussion with members of our Subcommittees, it was their suggestion that we ascertain if the new Comptroller General would approve appropriate disposition if the Agency Subcommittee Chairmen would, in writing, indicate that such Comptroller General action was appropriate. The Comptroller General agreed to this in principle and subsequently appropriate

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letters were written by the Director to the Comptroller General and signed letters were obtained from the four Subcommittee Chairmen and we now have in hand the Comptroller General approval of our planned disposal of financial records.

d. Routine business initiated by the members increased from 1400 items to about 1700 items, resulting in 1700 personal contacts, 2300 telephone calls, and 1683 correspondence items.

e. Detailed review of congressional actions not only provides a daily view of events in the Congress, but also some insight into members' attitudes. Thirty-six thousand pages of the CONGRESSIONAL RECORD were reviewed and items of Agency interest were clipped and sent to the appropriate Agency components. Copies are retained for future reference. In addition to the RECORD and the 13,000 legislative items reviewed, we also reviewed some 2,000 reports resulting from legislative and investigative hearings. We continued to maintain daily contact with members, committees, and staff people.

7. Conclusion

a. The principal unfinished business for consideration by the Agency with the Second Session of the 90th Congress is:

(1) S. 1035 which would have serious consequences if approved by the House as passed by the Senate.

(2) Further action on our own legislation which, while not receiving any final committee action, was brought up-to-date by informal committee action and introduced so that it is now current and will make the cost-of-living adjustments retroactive.

(3) Monitoring of the various wiretap proposals. The two principal ones have language satisfying CIA needs but there are other bills and other issues involved so that this will need careful monitoring.

b. The Rodino bill in the form finally passed into law, while not a major piece of legislation, nevertheless, contributes significantly to an Agency program. The National Student Association expose gained the Agency a number of new supporters, more than offsetting congressional critics. The program of contacting freshman members and acquainting them with the Agency was highly successful. All in all, I believe we move into 1968 with broader-based support in the Congress than in any prior year.

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